

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BARBARA SIMMONS,

Plaintiff,

vs.

M AND J TRUCKING, INC., DJS EXPRESS,
LLC, and STANDAGE TRUCKING, INC.,

Defendants.

8:22CV25

**ORDER ADOPTING
MAGISTRATE JUDGE'S
FINDINGS AND
RECOMMENDATION**

This case is before the Court on the April 5, 2022, Findings and Recommendation by United States Magistrate Judge Michael D. Nelson, [Filing 32](#), recommending that Plaintiff's Amended Motion to Remand, [Filing 19](#), be granted and that this case be remanded to the District Court of Deuel County, Nebraska. No party has filed objections to the Findings and Recommendation.

Neither the applicable statute, rule, nor case law requires the Court to conduct a de novo review of a magistrate judge's findings and recommendation when no objections are filed. *See 28 U.S.C. § 636(b)(1)* ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."); *Fed. R. Civ. P. 72(b)(3)* ("The district judge must determine de novo any part of the magistrate judge's

disposition that has been properly objected to."); *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985) (explaining that nothing in § 636(b)(1) requires a district judge to apply some lesser standard of review than de novo when no objections are filed). Nevertheless, the Court deems it prudent to review the Findings and Recommendation at least for clear error. In this case, the Court finds no such clear error in Magistrate Judge Nelson's Findings and Recommendation. Accordingly,

IT IS ORDERED that:

1. Magistrate Judge Nelson's April 5, 2022, Findings and Recommendation, [Filing 32](#), are adopted;
2. Plaintiff's Amended Motion to Remand, [Filing 19](#), is granted; and
3. This case be remanded to the District Court of Deuel County, Nebraska.

Dated this 2nd day of June, 2022.

BY THE COURT:



s/ *Brian C. Buescher*
United States District Judge